REMARKS

This Amendment is in response to the Office communication mailed July 24, 2002.

Applicant traverses the Examiner's decision that the instant application does not meet the criterion to be a continuation in part application. Enclosed is a copy of the request for extension of time in application Serial No. 08/910,085. The Applicant requested an extension up to and including December 22, 2000. Also enclosed is a copy of a post card indicating that U.S.P.T.O had received the request for extension and indicating that the instant application and request for extension of time were filed on December 19, 2000. This filing date appears on the first page of the Office communication mailed July 24, 2002. It is not clear why the Examiner referred to a filing date of December 26, 2000. In any event, Applicant respectfully points out that the instant application appears to meet the criterion to be a continuation in part application.

The Examiner rejected Claims 1 and 4 as being unpatentable over Yavitz in combination with Telfair. Claim 1 is canceled. Claim 4 does not encompass the subject matter recited by the Examiner to support the rejection. In any event, Applicant notes that the Examiner found that claims 2, 3,5 and 6 would be allowable if rewritten in independent form. Claim 2 is amended to be rewritten in independent form. Claims 3-6 have been amended by replacement to depend from independent claim 2, further defining the invention of Claim 2 and thus are allowable. The amendment of the claims does not alter the scope of the amended claims.

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Based on the foregoing, the allowance of claims 2 through 6 is requested.

Respectfully submitted,

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SERIAL NO.:	09/741,132
FILED:	December 19, 2000
EXAMINER:	David M. Shay
DOCKET NO.:	6831
GROUP ART UNIT:	3739
FOR:	Method and Apparatus for Improved PRK Accuracy

AMENDMENT
VERSIONS WITH MARKINGS
TO SHOW CHANGES MADE

IN THE CLAIMS:

2. (Amended) A method for improving the accuracy of photorefractive keratectomy for a laser during ophthalmological surgery upon a patient, comprising:

identifying a photorefractive keratectomy ablation profile topography for the patient's eye;

converting said photorefractive keratectomy ablation profile topography into a targeted energy map based upon a predetermined ablation rate for the laser;

applying a UV power meter in the optical path of the laser beam for measuring of the laser pulse energy;

applying a UV power meter in the optical path of the laser beam for measuring of the laser pulse size;

applying a UV power meter in the optical path of the laser beam for measuring a laser pulse location during performance of an ablation upon the patient's eye [The

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method of claim 1, wherein] , the ablation rate [is] determined by measuring of a size of a convergent or divergent last spot, before and after a known number of laser pulses are conducted[.];

summating the total energy measured at each location in said ablation;

creating a three-dimensional map of the measured energy delivered during the performance of photorefractive keratectomy upon the patent's eye;

comparing the targeted energy map and the measured energy map; and

for areas of the patient's eye with measured energy below the targeted energy, applying more laser pulses until the measured energy equals the targeted energy.

3. (Amended) The method of claim [1] 2 wherein the ablation rate is determined by measuring a distance between two intersecting laser beams before and after a known number of laser pulses are conducted.

4. (Amended) The method of claim [1] 2 wherein the actual energy delivered with each pulse is measured at a last reflective optic component before the laser impinges the cornea of the patient's eye.

5. (Amended) The method of claim [1] 2 wherein the ablation rate is determined by measuring central corneal thickness pre-treatment.

6. (Amended) The method of claim [1] 2 wherein the ablation rate is determined by measuring the number of pulses required to achieve ablations of a corneal intrastromal target of predetermined depth, wherein the intrastromal target is selected fro the group comprising a dye, or a Nd:YAG laser lesion.